

APPENDIX A
Copy of Petition to Consider Correspondence Filed
Submitted Concurrently with This Response



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THE UNITED STATES PATENT AND TRADEMARK OFFICE

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PETITION TO CONSIDER CORRESPONDENCE FILED IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE UNDER 37 CFR §1.10

APPLICANT:	Matteau, et al.	DOCKET NO:	P02,0043-01
SERIAL NO.:	09/900,420	ART UNIT:	3628
FILED:	July 6, 2001	EXAMINER:	Cassandra Hope Davis

TITLE: Album Page

Commissioner of Patents and Trademarks,
Washington, D.C. 20231

Dear Sir:

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JUN 20 2002

OFFICE OF PETITIONS

Applicants file this petition pursuant to 37 CFR §1.10(e).

Statement of Facts

The above-identified utility patent continuation application was originally filed with the United States Patent and Trademark Office on July 6, 2001 as evidenced by the attached copies of the Express Mail Label Number EL714054294US, the returned postcard, and the Continuing Patent Application Transmittal Letter. This filing included, in the same Express Mail envelope, a Preliminary Amendment, as identified by the Transmittal Letter and the returned postcard.

Prior to responding to an Office Action mailed by Examiner Cassandra Davis, attorneys for Applicant noticed (prior to the end of the three-month period for responding) that the Office Action made reference to claims that had been cancelled by the Preliminary Amendment (copy attached). A telephone call with Examiner Davis on June 10, 2002 confirmed that although the Continuation Application had been received and that the Transmittal Letter indicated the presence of a Preliminary Amendment, no actual Preliminary Amendment was present in the file when the Examiner reviewed it and created the Office Action.

Applicants submit with this petition:

1. A copy of the Express Mail mailing label used to submit the Continuation Application and Preliminary Amendment;
2. A copy of the returned postcard identifying the Preliminary Amendment sent;
3. A copy of the Transmittal letter showing the Express Mail number and identifying the Preliminary Amendment sent; and
4. A copy of the originally deposited Preliminary Amendment that constitutes the lost correspondence and shows the Express Mail

number on it.

The original deposit of the correspondence and the copies of the correspondence contained herein are identical. The copy of the Express Mail mailing label is a true copy.

APPLICANT HEREBY PETITIONS THAT:

1) THE PRELIMINARY AMENDMENT SUBMITTED WITH THIS PETITION BE CONSIDERED AS FILED IN THE OFFICE ON THE USPS DEPOSIT DATE OF JULY 6, 2001; AND

2) A SUPPLEMENTAL OFFICE ACTION BE PROVIDED TO APPLICANTS THAT ADDRESSES THE PRELIMINARY AMENDMENTS MADE.

Applicants believe that all requirements have been met with this petition, and respectfully request that the petition be granted.

It is believed that no fee is required for this petition; however, if the Commissioner finds that a fee is due, the Commissioner is authorized to charge any such fees to account no. 50-1519.

Respectfully submitted,

Mark Bergner (Reg. No. 45,877)

Mark Bergner
SCHIFF HARDIN & WAITE
PATENT DEPARTMENT
6600 Sears Tower
Chicago, Illinois 60606-6473
(312) 258-5779
Attorney for Applicants
Customer Number 26574

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on June 13, 2002.


Mark Bergner
Attorney for Applicants

THE U. S. PATENT & TRADEMARK OFFICE
OFFICIAL MAILROOM STAMP AFFIXED
HERETO, ACKNOWLEDGES RECEIPT OF
THE ITEMS CHECKED BELOW:

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JUN 20 2002

OFFICE OF PETITIONS

Serial No.: 09/256,672
Applicant: Matteau et. al.
Filing Date: 2/23/99
Title: ALBUM PAGE 31836 U.S. PTO
09/900420

07/06/01

- ☒ Patent Application - CONTINUATION
- ☒ Drawing(s) (F) ☒ (Inf.)
- ☒ Check \$ 1238.00 No.: 590761
- ☒ Declaration & Power of Attorney - COPY
- ☐ Extension of Time (duplicate)
- ☒ Preliminary Amendment
- ☐ Amendment
- ☐ Amendment After FINAL Rejection
- ☐ Issue Fee (Base and/or Balance)
- ☐ Letter to Official Draftsman
- ☐ Small Entity Statement
- ☒ Assignment/~~Fee~~ & Form PTO No. 1595 - COPY
- ☒ Trademark Application
- ☐ Form PTO No. 1449 & cited references - COPY
- ☐
- ☐

DOCKET NO.: 27906 ²⁵² 221 ATTY: JCC

DUE DATE: 8/29/01

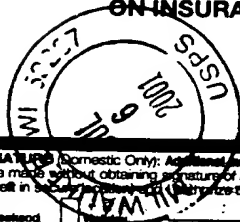
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EL714054294US

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Label 11-F July 1997

ORIGIN (POSTAL USE ONLY)		
PO ZIP Code 53237	Day of Delivery <input checked="" type="checkbox"/> First <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In Mo. 6 Day 01 Year 03	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 76.21
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight lbs. 10.70 ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials JW	Total Postage & Fees \$ 76.21

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METHOD OF PAYMENT: Express Mail Corporate Acct. No. X532756	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Addressed merchandise insurance is void if neither of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure place). (I authorize that delivery employee's signature constitutes valid proof of delivery.) <input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend
Federal Agency Acct. No. or Postal Service Acct. No.	Customer Signature
FROM: (PLEASE PRINT) FOLEY & LARDNER 777 E WISCONSIN AVE STE 3200 MILWAUKEE WI 53202-5367 JCC 0152 27906/221	TO: (PLEASE PRINT) Commissioner of Patents Washington DC 20231 Box CONTINUATION APPLICATION

PRESS HARD. FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.gov **EMS**

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JUN 20 2002

OFFICE OF PETITIONS



Atty. Dkt. No. 027906-0221

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matteau et al.

Title: ALBUM PAGE


Prior Appl. No.: 09/256,672

Prior Appl. Filing Date: 02/23/99

Examiner: Silbermann, J.

Art Unit: 3628

COPY OF PAPERS
ORIGINALLY FILED

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, Washington, D.C. 20231.	
EL714054294US (Express Mail Label Number)	July 6, 2001 (Date of Deposit)
Karen Meier (Printed Name)	
 (Signature)	

CONTINUING PATENT APPLICATION
TRANSMITTAL LETTER

Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

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JUN 20 2002

OFFICE OF PETITIONS

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a:

☒ Continuation ☐ Division ☐ Continuation-In-Part (CIP)

of the above-identified copending prior application in which no patenting, abandonment, or termination of proceedings has occurred. Priority to the above-identified prior application is hereby claimed under 35 U.S.C. § 120 for this continuing application. The entire disclosure of the above-identified prior application is considered as being part of the disclosure of the accompanying continuing application and is hereby incorporated by reference therein.

☐ Applicant claims small entity status under 37 CFR 1.27.

Enclosed are:

- ☒ Specification, Claim(s), and Abstract (23 pages).
- ☒ Formal drawings (3 sheets, Figures 1-5).
- ☒ Copy of Declaration and Power of Attorney (4 pages).
- ☒ Copy of Assignment of the invention to Intercraft Company.
- ☒ Copy of Assignment Recordation Cover Sheet.
- ☐ Request for application not to be published with certification under 35 USC 122(b)(2)(B)(i).

- ☒ Copy of Information Disclosure Statement.
- ☒ Copy of Form PTO-1449 with copies of listed reference(s)
- ☒ Preliminary Amendment.

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$710.00	\$710.00
Total Claims:	36	- 20	= 16	x \$18.00	= \$288.00
Independents:	6	- 3	= 3	x \$80.00	= \$240.00
If any Multiple Dependent Claim(s) present:			+	\$270.00	= \$0.00
				SUBTOTAL:	= \$1238.00
<input type="checkbox"/> Small Entity Fees Apply (subtract 1/2 of above):					= \$0.00
				TOTAL FILING FEE:	= \$1238.00

- ☒ A check in the amount of \$1238.00 to cover the filing fee is enclosed.
- ☐ The required filing fees are not enclosed but will be submitted in response to the Notice to File Missing Parts of Application.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date July 2, 2001

FOLEY & LARDNER
Firstar Center
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-5367
Telephone: (414) 297-5774
Facsimile: (414) 297-4900

By John C. Cooper

John C. Cooper III
Attorney for Applicant
Registration No. 26,416



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#6/A

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matteau et al.

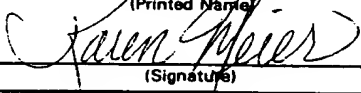
Title: ALBUM PAGE

Prior Appl. No.: 09/256,672

Prior Appl. Filing Date: 02/23/99

Examiner: Silbermann, J.

Art Unit: 3628

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, Washington, D.C. 20231.	
EL714054294US (Express Mail Label Number)	July 6, 2001 (Date of Deposit)
Karen Meier (Printed Name)	
 (Signature)	

PRELIMINARY AMENDMENT
FOR CPA

Commissioner for Patents
Box CPA
Washington, D.C. 20231

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JUN 20 2002

OFFICE OF PETITIONS

Sir:

Prior to examination of the present Continuing Prosecution Application (CPA), Applicant respectfully requests that the above-identified prior application be amended as follows:

In the Claims:

Please cancel claims 1-32

Please add the following new claims:

33. A page for displaying planar objects comprising:
- a rectangular center sheet having a top, a bottom, a front, a back, and two sides;
 - transparent, thermoplastic film on the front and the back of the center sheet and immediately adjacent to the top, bottom, and a first side of the center sheet;
 - a plurality of pairs of spaced-apart, film-to-film seals joining the film through cut-out openings in the center sheet at locations selected for supporting planar objects between the film on the front of the center sheet and the center sheet, and between the film on the back of the center sheet and the center sheet; and

at least one of the cut-out openings being T-shaped and having a top of the T and a base of the T, the top lying along the first side of the center sheet and the base extending toward the other side of the center sheet, a separate cut-out opening being spaced apart from, but linearly arranged, with respect to the base of the T-shaped opening, film-to-film seals formed in both the separate opening and in the base of the T-shaped opening to support the bottom edge of a planar object to be displayed.

34. The page of claim 33, wherein the center sheet is a paper sheet.

35. The page of claim 33, further including at least one additional set of spaced-apart film-to-film seals arranged in a line parallel to the linearly arranged film-to-film seals formed in the separate opening and in the base of the T-shaped opening.

36. The page of claim 35, wherein two T-shaped openings are formed in the center sheet and separate cut-out openings are provided in the center sheet and are spaced-apart from, but are linearly arranged with respect, to the bases of the two T-shaped openings, film-to-film seals formed in the separate openings and in the two bases of the two T-shaped openings to provide two parallel supports for the bottom edges of two planar objects to be displayed.

37. The page of claim 33, wherein at least two spaced-apart cut-out openings are provided at the top and at the bottom of the center sheet, and film-to-film seals are formed at each of the top and bottom cut-out openings.

38. The page of claim 33, including at least one cut in the center sheet to provide support for an edge of a planar object to be displayed.

39. The page of claim 33, further including a rectangular planar object which has a width greater than the distance between the spaced-apart bottom edge supporting film-to-film seals.

40. A page for displaying planar objects comprising:

a rectangular center sheet having a top, a bottom, a front, a back, and two sides;

transparent, thermoplastic film on the front and the back of the center sheet and immediately adjacent to the top, bottom, and a first side of the center sheet;

a plurality of pairs of spaced-apart, film-to-film seals joining the film through cut-out openings in the center sheet at locations selected for supporting planar objects between the film on the front of the center sheet and the center sheet, and between the film on the back of the center sheet and the center sheet; and

at least one cut in the center sheet to provide support for an edge of a planar object to be displayed.

41. The page of claim 40, wherein the cut creates a tab in the center sheet.

42. The page of claim 40, wherein the pairs of spaced-apart film-to-film seals are in a line which is parallel to the top and bottom of the center sheet.

43. The page of claim 40, wherein the center sheet is a paper sheet.

44. The page of claim 40, wherein at least two, spaced-apart, cut-out openings are provided at the top and at the bottom of the center sheet, and film-to-film seals are formed at each of the top and bottom cut-out openings.

45. The page of claim 40, further including a rectangular planar object which has a width greater than the distance between the spaced-apart bottom edge supporting film-to-film seals.

46. A page for displaying planar objects comprising:

a rectangular center sheet having a top, a bottom, a front, a back, a first side, and a second side;

at least two holes adjacent the second side arranged for holding the page in an album;

transparent, thermoplastic film on the front and the back of the center sheet and immediately adjacent to the top, bottom, and the first side of the center

✓
sheet;

a memo area located between the first and second sides of the center sheet;

the center sheet having a portion beneath the thermoplastic film with a visual appearance which is different from the visual appearance of the memo area; and

a plurality of pairs of spaced-apart, film-to-film seals joining the film through cut-out openings in the center sheet at locations selected for supporting planar objects between the film on the front of the center sheet and the center sheet, and between the film on the back of the center sheet and the center sheet.

47. The page of claim 46, wherein the portion of center sheet beneath the thermoplastic film is darker in visual appearance than the memo area.

48. The page of claim 47, wherein the memo area is substantially white and includes lines.

49. The page of claim 46, wherein the center sheet is a paper sheet.

50. The page of claim 46, wherein at least two spaced-apart, cut-out openings are provided at the top and at the bottom of the center sheet, and film-to-film seals are formed at each of the top and bottom cut-out openings.

51. The page of claim 46, including at least one cut in the center sheet to provide support for an edge of a planar object to be displayed.

52. The page of claim 51, wherein the cut creates a tab in the center sheet.

53. The page of claim 46, wherein the memo area extends from the top to the bottom on the front of the center sheet and the back of the center sheet, and wherein a vertical portion immediately adjacent to the memo area has a visual appearance substantially similar to that of the portion beneath the thermoplastic film.

54. A page for displaying planar objects comprising:

a center sheet having a front and a back;

transparent film on the front and back of the center sheet;

at least one film-to-film seal joining the film through a cut-out opening for each seal in the center sheet, each seal being at a location for supporting a planar object between the film on the front of the center sheet and the center sheet, and between the film on the back of the center sheet and the center sheet; and

at least one of the cut-out openings being T-shaped and having a top of the T and a base of the T, and a film-to-film seal formed in the base of the T-shaped opening to support a planar object to be displayed.

55. The page of claim 54, wherein the center sheet is a paper sheet.

56. The page of claim 55, wherein at least one additional film-to-film seal is formed on the page and is arranged in a line parallel to the base of the T-shaped opening.

57. The page of claim 54, wherein a separate cut out opening is spaced apart from, and is linearly arranged with respect to, the base of the T-shaped opening, and a film-to-film seal is also formed in the separate opening.

58. The page of claim 54, including two of said T-shaped openings, and wherein film-to-film seals are formed in the bases of the two T-shaped openings, the two bases of the T-shaped openings being parallel to each other to provide support for the bottom edges of two planar objects to be displayed.

59. A page for displaying planar objects comprising:

a center sheet having a front and a back;

transparent film on the front and back of the center sheet;

at least one film-to-film seal joining the film through a cut-out opening for each seal in the center sheet, each seal being at a location selected for supporting a planar object between the film on the front of the center sheet and the center sheet,

and between the film on the back of the center sheet and the center sheet; and

at least one cut in the center sheet to provide support for an edge of a planar object to be displayed.

60. The page of claim 59, wherein the cut creates a tab in the center sheet.

61. The page of claim 59, including two elongated, film-to-film seals which are parallel to each other.

62. The page of claim 59, wherein the center sheet is a paper sheet.

63. A page for displaying planar objects comprising:

a center sheet having a front and a back;

transparent film on a portion of the front and the back of the center sheet;

memo areas located on each of the front and the back of the center sheet;

the center sheet having a portion beneath the thermoplastic film with a visual appearance which is different from the visual appearance of the memo area; and

a plurality of pairs of spaced-apart, film-to-film seals joining the film through cut-out openings in the center sheet at locations selected for supporting planar objects between the film on the front of the center sheet and the center sheet, and between the film on the back of the center sheet and the center sheet.

64. The page of claim 63, wherein the center sheet beneath the thermoplastic film is darker in visual appearance than the memo area.

65. The page of claim 64, wherein the memo area is substantially white and includes lines.

66. The page of claim 63, wherein the center sheet is a paper sheet.

67. The page of claim 63, including at least one cut in the center sheet to provide support for an edge of a planar object to be displayed.

68. The page of claim 67, wherein the cut creates a tab in the center sheet.

REMARKS

Applicant respectfully requests that the foregoing amendments be made prior to examination of the present application.

After amending the claims as set forth above, claims 33-68 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date

July 2, 2001

FOLEY & LARDNER
Firstar Center
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By

John C. Cooper III

John C. Cooper III
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